

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KHUPNO LALNUNA
Claimant

APPEAL 21A-UI-15338-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/17/20
Claimant: Appellant (6)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Code § 96.6(2) – Timeliness of Appeal
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal
Iowa Admin. Code r. 871-26.11 - Motions

STATEMENT OF THE CASE:

Claimant filed an appeal from the April 8, 2021, (reference 02) unemployment insurance decision that found claimant overpaid regular unemployment insurance benefits. Iowa Workforce Development mailed a notice of hearing to claimant's last address of record. The hearing was scheduled for September 1, 2021, at 9:05. Before the hearing date, the claimant received another decision from Iowa Workforce Development, dated July 2, 2021, reference 03 which amended the reference 02 decision. This decision made the issues on appeal moot. Therefore, no testimony or additional evidence was necessary. No hearing is needed.

ISSUE:

Should the appeal be dismissed as moot due to subsequent agency action?

FINDINGS OF FACT:

The pertinent agency documents relating to this claimant establish the following facts: The claimant/appellant filed an appeal from the unemployment insurance decision dated April 8, 2021, reference 02, establishing an overpayment of regular unemployment insurance benefits. On July 2, 2021, Iowa Workforce Development issued a subsequent decision, (reference 03) amending the reference 02 decision. (The overpayment remained the same but the dates of the overpayment changed). This most recent decision made the appeal to reference 02 moot. Therefore, no testimony or additional evidence is necessary. No hearing is needed.

REASONING AND CONCLUSIONS OF LAW:

Generally, courts and administrative tribunals do not decide issues when the underlying controversy is moot. *Rhiner v. State*, 703 N.W.2d 174, 176 (Iowa 2005). "A case is moot if it no longer presents a justiciable controversy because the issues involved are academic or nonexistent." *Iowa Bankers Ass'n v. Iowa Credit Union Dep't*, 335 N.W.2d 439, 442 (Iowa 1983)

The decision appealed was amended by the reference 03 decision, thereby making this appeal moot. The appeal to the reference 02 decision is dismissed. (The reference 03 appeal is not dismissed.)

DECISION:

The appeal to the reference 02 initial decision is dismissed as moot, due to the subsequent, amended (reference 03) initial decision.



Jennifer L. Beckman
Administrative Law Judge
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September 07, 2021
Decision Dated and Mailed

jlb/mn